

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1560 of 1997

in

SPECIAL CIVIL APPLICATION No 6170 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and  
MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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LALITCHANDRA CHHOTALAL SHAH

Versus

C.N.VYAYAM VIDHYABHAVAN

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Appearance:

MR AD OZA for Appellant

MR KIRIT I PATEL for Respondent Nos. 1 & 2

Mr.K.C.Shah, learned A.G.P. for Respondent Nos. 3, 4

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CORAM : MR.JUSTICE M.R.CALLA and  
MR.JUSTICE J.R.VORA

Date of decision: 18/06/98

ORAL JUDGEMENT

This Letters Patent Appeal is directed against

the order dated 10.11.97 passed by the learned single Judge whereby the Special Civil Application was rejected. It is not in dispute that the appellant was appointed as Librarian-cum-Clerk on 2.8.71. As late as in 1997 he has raised the grievance that he should have been appointed as a Librarian. The learned single Judge has dealt with this aspect of the matter in detail and has found that initially the appellant had worked as Librarian-cum-Clerk but later on he had been paid in the pay scale of Librarian. Thus substantial justice has already been granted even if it is assumed in favour of the appellant that he ought to have been appointed as a Librarian at the initial stage. The learned single Judge has declined to interfere in the matter for reason of delay to the extent of 26 years. The learned single Judge has rightly taken the view that the respondents could not be directed to appoint the appellant as Librarian instead of Librarian-cum-Clerk from 2.8.71. The learned counsel has argued with reference to the letter dt.20.4.96 (at page 12 Annexure 'B) and the copy of the Resolution dt.7.10.87 (at page 16 Annexure 'E'). Even on the basis of these two documents, it cannot be said that the appellant has to be deemed to be a Librarian or should have been treated to have been appointed as Librarian from 2.8.71. We do not find any substance in this Letters Patent Appeal. The same is hereby dismissed. Notice is hereby discharged with no order as to costs.